

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ORIX FINANCIAL SERVICES, INC.,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:05CV1233-MEF
)	
EARNEST CHAPMAN,)	
)	
Defendant.)	

ORDER

The plaintiff has made an application for entry of Writ of Seizure in this case and has filed an affidavit in compliance with FED.R.CIV.P. 64 and ALA.R.CIV.P. 64(b) and has identified the defendant as in possession of the following described property, to - wit: "One (1) Komatsu D65E-12 Dozer, S/N J10101."

The court having examined said affidavit and the plaintiff having requesting a hearing on the issuance of a writ of seizure, it is

ORDERED that the matter of whether a writ of seizure should issue is hereby referred to Magistrate Judge Charles S. Coody for the purpose of conducting a pre-judgment seizure hearing as soon as practicable at which time the plaintiff shall have the burden of showing good cause for the pre-judgment seizure. It is further

ORDERED that upon the default of the defendant to appear as directed by this order, then defendant shall be deemed to have waived any objection to the pre-judgment seizure of property. It is further

ORDERED and ADJUDGED that pursuant to FED.R.CIV.P. 64 and ALA.R.CIV.P. 64(b), the defendant is hereby restrained and enjoined from disposing of or altering any form of property herein described pending the hearing as provided in this order.

DISPOSITION OF OR ALTERATION TO THE PROPERTY IN VIOLATION OF THIS ORDER MAY SUBJECT THE DEFENDANT TO PUNISHMENT FOR CONTEMPT OF COURT.

It is further ORDERED that a copy of this order be served upon the defendant forth with.

Done this 5th day of January, 2006.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE